

emissions cap and trade emissions increases and decreases within the facility to meet this cap but does not prohibit this trading if it involves a title I modification. This restriction must be added to the rule along with the correct definition of title I modification (§ 70.4(b)(12)).

d. *Permit issuance deadlines.* The District must change rule 207 and adopt appropriate permit issuance deadlines for sources that are initially deferred from the program due to their actual emissions but do not obtain federally enforceable limits on their potential to emit. These deadlines must ensure that all permits are issued by December 15, 1999, which is required by EPA's August 2, 1993 guidance on source-category limited interim approval.

e. *Emissions trading under applicable requirements.* Sacramento must add emissions trading provisions consistent with § 70.6(a)(10). The permit content section of the rule must allow provisions for trading within the permitted facility where an applicable requirement provides for trading increases and decreases without case-by-case approval.

f. *Inclusion of fugitive emissions in the permit.* The rule must explicitly require that the permit include fugitive emissions in the same manner as stack emissions (§ 70.3(d)).

g. *Public participation.* The District rule must state that the District will provide public notice by means other than newspaper notice and a mailing list when necessary to ensure that adequate notice is given (§ 70.7(h)).

### C. Effect of Interim Approval

This interim approval, which may not be renewed, extends for a period of up to two years. During the interim approval period, the District is protected from sanctions for failure to have a program, and EPA is not obligated to promulgate a Federal permits program in the District. Permits issued under a program with interim approval have full standing with respect to part 70. The one year time period for submittal of permit applications by subject sources and the three year time period for processing the initial permit applications begin upon interim approval.

The scope of the part 70 program EPA is proposing to approve in this notice applies to all part 70 sources (as defined in the approved program) within the Sacramento Metropolitan Air Quality Management District except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian Tribe" is defined under

the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the District's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

### III. Administrative Requirements

#### A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed interim approval. The principal purposes of the docket are:

- (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process; and
- (2) To serve as the record in case of judicial review. The EPA will consider any comments received by July 6, 1995.

#### B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

#### C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

### D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated today does not include a federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

#### List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401-7671q.

**Dated:** May 23, 1995.

**David P. Howekamp,**

*Acting Regional Administrator.*

[FR Doc. 95-13788 Filed 6-5-95; 8:45 am]

**BILLING CODE 6560-50-P**

### 40 CFR Part 300

[FRL-5216-7]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Action Anodizing, Plating and Polishing Superfund site from the National Priorities List; Request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region II announces its intent to delete the Action Anodizing, Plating and Polishing (AAPP) site from the National Priorities List (NPL) and

requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that no further action is appropriate at the AAPP site under CERCLA. Moreover, EPA and the State have determined that activities conducted at the AAPP site to date have been protective of public health, welfare, and the environment.

**DATES:** Comments concerning the deletion of the AAPP site from the NPL may be submitted on or before July 5, 1995.

**ADDRESSES:** Comments may be mailed to: Kathleen C. Callahan, Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007.

Comprehensive information on this site is available through the EPA Region II public docket, which is located at EPA's Region II Office in New York City, and is available for viewing, by appointment only, from 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. For further information or to request an appointment to review the public docket, please contact: Ms. Janet Cappelli, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007, (212) 637-4270.

Background information from the Regional public docket related to the AAPP site is also available for viewing at the information repositories noted below:

Copague Memorial Library, 50  
Deauville Boulevard, Copague, New  
York 11726  
and

Town of Babylon, Department of  
Environmental Control, 281 Phelps  
Lane, Control Room 23, North  
Babylon, New York 11703.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Contents**

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

#### **I. Introduction**

EPA Region II announces its intent to delete the AAPP site from the NPL and requests public comment on this action. The NPL constitutes Appendix B to the

NCP, which EPA promulgated pursuant to Section 105 of CERCLA. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions, if conditions at such sites warrant such action.

The EPA will accept comments concerning the AAPP site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the AAPP site meets the deletion criteria.

#### **II. NPL Deletion Criteria**

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425 (e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria has been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or,

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or,

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

#### **III. Deletion Procedures**

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before

making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the AAPP site:

1. EPA Region II has recommended deletion and has prepared the relevant documents. EPA has also made all relevant documents available in the Regional office and local AAPP site information repositories.

2. The State of New York has concurred with the deletion decision.

3. Concurrent with this national Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate Federal, state and local officials and other interested parties. This notice announces a thirty (30) day public comment period on the deletion package starting on June 5, 1995 and concluding on July 5, 1995.

4. The Region has made all relevant documents available in the Regional Office and local site information repositories.

The comments received during the comment period will be evaluated before any final decision is made. If necessary, EPA Region II will prepare a Responsiveness Summary which will address any comments received during the public comment period.

If, after consideration of these comments, EPA decides to proceed with deletion, the EPA Regional Administrator will place a Notice of Deletion in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region II.

#### **IV. Basis for Intended Site Deletion**

The Action Anodizing Plating and Polishing (AAPP) site is located at 33 Dixon Avenue in the Hamlet of Copague in the Town of Babylon, Suffolk County, New York. It is approximately one acre in size and is one mile east of the Nassau-Suffolk County line and one-half mile south of Sunrise Highway.

For approximately thirty years prior to 1968, a commercial laundry facility operated on the Site's premises. Since 1968, AAPP has operated at the Site as a small metal-finishing shop. AAPP's operations primarily involve sulfuric acid anodizing of aluminum parts for the electronics industry, cadmium plating, chromate conversion coatings, metal dyeing and vapor degreasing. Liquid wastes from these operations

include rinses of spent caustic and acidic solutions contaminated with cadmium, chromium, zinc and sodium cyanide. According to the operator of the facility, prior to 1980, rinse water was reportedly stored in a concrete waste holding trough in the floor of the facility from which it was pumped into a low pressure steam boiler. The steam was then condensed and reused as process make-up water. The solids from the rinse water were allowed to build up in the boiler tubes until the tubes became plugged, at which time, the boiler would be replaced with a new unit.

The concrete trough had previously been used by the commercial laundry as part of its drainage system. The trough was connected to a septic tank on the north side of the building. Tank overflow fed into a series of six leaching pits on the east side of the building. The bottoms of the pits were reportedly several feet below ground.

During an inspection of the Site by the Suffolk County Department of Health Services (SCDHS) in January 1980, it was discovered that rinse water from AAPP's operation was discharging to the leaching pits rather than the low pressure steam boiler. SCDHS sampled the leaching pits, process tanks, surface soils, and septic tank on the Site. The results showed elevated levels of several metals, notably cadmium, chromium and nickel in the leaching pits. AAPP was told by SCDHS to cease discharge to the leaching pits immediately and remove the soils and sediments of the entire leaching system.

In the spring of 1980, AAPP contracted with the Patterson Chemical Company for the cleanup and closing of the leaching system. This work was supervised and approved by SCDHS. In September 1980, SCDHS notified AAPP that the leaching pits could be back-filled with clean sand and gravel. A 7,500 foot equipment storage area, built in 1984, lies directly on top of the former leaching pits. AAPP reports that its industrial waste is currently hauled off-site for disposal.

In January 1986, the New York State Department of Environmental Conservation (NYSDEC) issued a Phase I Investigation Report which summarized past investigations and included a Hazard Ranking System (HRS) score for the Site. Although groundwater contamination was not documented as part of the Phase I investigation, the potential for groundwater contamination by wastewater discharges to the leaching pools prior to 1980 was the major contributor to the HRS score. Based on the HRS score, the Site was proposed for

inclusion on the NPL in June 1988 and was placed on the NPL in March 1989.

Under the direction of EPA, Malcolm Pirnie, Inc. conducted a remedial investigation (RI) from July 1989 to April 1992 to characterize the geology, groundwater hydrology and chemical quality of the soils and groundwater at the AAPP site. The investigation consisted of drilling borings and constructing monitoring wells, collecting soil and groundwater samples, a geophysical survey, and an air-monitoring survey. All sampling results, both organic and inorganic, were compared with New York State and Federal applicable or relevant and appropriate requirements (ARARs). The data were also utilized to prepare a baseline risk assessment for the site.

The risk assessment indicated that the levels of contaminants in the soil, air and groundwater at the Site presented risks which fell within or below the Superfund remediation range. In addition, sampling results indicated the majority of contaminants did not exceed MCLs in the groundwater, or background levels in the soil and air. It appeared that the 1980 SCDHS-ordered remediation of the leaching pits removed the most significant contamination known to exist at the Site.

EPA released the Proposed Plan, detailing the RI results, on April 3, 1992 and held two public meetings and a public availability session for the community before closing the public comment period. At the conclusion of the RI process, EPA, in consultation with the State of New York, issued a Record of Decision (ROD) on June 30, 1992, which determined that the AAPP site does not pose a significant threat to human health or the environment and that no further action was required. However, the ROD did call for a one-year groundwater monitoring program to ensure that the remedy is protective of human health and the environment.

As specified in the ROD, a groundwater monitoring program, consisting of two rounds of samples from four monitoring wells, was conducted by EPA. Samples from both rounds were analyzed for organic and inorganic contaminants. The first round of sampling was conducted in May 1993. Chromium, which had been of concern during the RI, was not detected above New York State or Federal drinking water or groundwater standards, nor were any other inorganics. No volatiles or semi-volatile organic compounds were detected. Only trace levels of two pesticides, both unrelated to past production activities at the Site, were detected. The second

round of sampling was conducted in March 1994. During the second round, DEC split samples with EPA for analysis of pesticides only. As with the first round, no contaminants were detected above allowable levels. DEC's analysis verified EPA's findings that pesticides are present in trace levels only. EPA and DEC have determined that no further monitoring is necessary. Having met the deletion criteria, EPA proposes to delete the AAPP site from the NPL.

Dated: March 28, 1995.

**William J. Muszynski,**

*Acting Regional Administrator.*

[FR Doc. 95-13789 Filed 6-5-95; 8:45 am]

BILLING CODE 6560-50-P

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-73, RM-8568]

#### Radio Broadcasting Services; Boonville and Fayette, MO

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

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**SUMMARY:** This document requests comments on a petition filed by Big Country of Missouri, Inc. proposing the substitution of Channel 230C3 for Channel 230A at Boonville, Missouri, reallocation of the channel from Boonville, Missouri to Fayette, Missouri, and modification of the license for Station KTLH to specify operation on Channel 230C3 at Fayette, Missouri. The coordinates for Channel 230C3 at Fayette are 39-05-00 and 92-28-30. We shall propose to modify the license for Station KTLH in accordance with Section 1.420(g) and (i) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

**DATES:** Comments must be filed on or before July 24, 1995, and reply comments on or before August 8, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Frederick A. Polner, Rothman Gordon Foreman & Groudine, P.C., Third Floor, Grant Building, Pittsburgh, Pennsylvania 15219.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.